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4 Los Angeles, CA 90071-2899  
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8 ROBERTA VESPREMI (S.B. #225067)  
9 O'MELVENY & MYERS LLP  
10 2765 Sand Hill Road  
11 Menlo Park, CA 94025  
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13 Facsimile: (650) 473-2601  
14 E-Mail: rvespremi@omm.com

15 Attorney for Plaintiff  
16 LIFESCAN SCOTLAND, LTD.

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

20 LIFESCAN SCOTLAND, LTD.,  
21 Plaintiff,  
22 v.  
23 SHASTA TECHNOLOGIES, LLC,  
24 INSTACARE CORP., PHARMATECH  
25 SOLUTIONS, INC., and CONDUCTIVE  
26 TECHNOLOGIES, INC.,  
27 Defendants.

28 Case No. CV11-04494-MEJ

**DECLARATION OF  
ROBERTA H. VESPREMI IN SUPPORT  
OF PLAINTIFF LIFESCAN SCOTLAND,  
LTD.'S MOTION FOR EXPEDITED  
DISCOVERY AND MODIFY THE  
SCHEDULING ORDER**

Date: November 10, 2011  
Time: 10 a.m.  
Place: Courtroom B  
Judge: Hon. Maria-Elena James

1 I, Roberta H. Vespremi, declare as follows:

2 1. I am a counsel of the O'Melveny & Myers LLP law firm, counsel for plaintiff  
3 LifeScan Scotland, Ltd. in this action. I submit this declaration in support of Plaintiff's Motion  
4 for Expedited Discovery and to Modify the Scheduling Order. I am familiar with this action and  
5 with the facts and circumstances set forth below, which based on my personal knowledge are true  
6 and correct. If called as a witness, I could and would competently testify as to the below.

7 2. On September 22, 2011, service of the Complaint in the above-titled case was  
8 initiated. Personal service of each defendant was completed on September 23, 2011.

9 3. Attached as Exhibit A is a true and correct copy of a letter from M. Belcher to M.  
10 Timmons dated September 6, 2011.

11 4. Attached as Exhibit B is a true and correct copy of letter from L. Durbin to M.  
12 Timmons dated September 6, 2011.

13 5. Attached as Exhibit C is a true and correct copy of a letter from M. Timmons to M.  
14 Belcher dated September 13, 2011.

15 6. Attached as Exhibit D is a true and correct copy of a letter from M. Timmons to L.  
16 Durbin date September 13, 2011.

17 7. Attached as Exhibit E is a true and correct copy of a letter from M. Timmons to C.  
18 Knickerbocker, II dated September 13, 2011.

19  
20 Executed under the laws of the United States on October 5, 2011 at Menlo Park,  
21 California.

22   
23 Roberta H. Vespremi

24  
25  
26  
27  
28

# **Exhibit A**

HUNTER, MOLLOY & SALCIDO, LLP

LAWYERS

JOHN LOGAN HUNTER  
RICHARD SALCIDO  
MICHAEL J. BELCHER

OF COUNSEL  
RICHARD D. DEAR  
DAVID A. DELGADO

35 NORTH LAKE AVENUE  
SUITE 670  
PASADENA, CALIFORNIA 91101-1890

RETIRED  
FRANK W. MOLLOY

TELEPHONE (626) 568-2500  
FACSIMILE (626) 568-2800  
WWW.HMSPASADENA.COM

September 6, 2011

Michael Timmins, Esquire  
Office of the General Counsel  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7002

**Re: InstaCare Corp.**

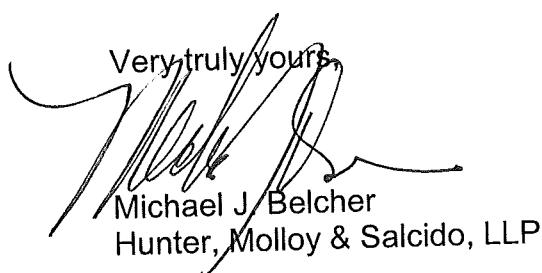
Dear Mr. Timmins:

We are in receipt of your letter of September 1, 2011. We have consulted with our client, and its position is unchanged.

Obviously, we disagree on the "reasonable" inferences that can be drawn from our client's decision to decline your request. We can assure you, however, that our client's decision to do so should not be interpreted as an admission of any wrongdoing on its part, or anything other than its desire to keep its "trade secrets" secret, and maintain its competitive edge should this product come to market.

With regard to your threat of litigation, it seems both unnecessary and (at best) premature. The product, Genstrip, has not been approved for sale by the Food and Drug Administration, and is not being sold or distributed by our client. In short, there is nothing to litigate.

Should you wish to discuss the matter further, please feel free to contact us.

Very truly yours,  
  
Michael J. Belcher  
Hunter, Molloy & Salcido, LLP

cc: Client

# **Exhibit B**



935 Borom Road, York, PA 17404  
www.conductiveotech.com  
(717) 764-6931 • (800) 706-0618  
FAX (717) 764-3470

September 6<sup>th</sup>, 2011

Michael Timmons, Esquire  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, New Jersey 08933-7033

Re: *Request for Samples of Shasta Genstrip  
for Patent Infringement Analysis from  
Conductive Technologies, Inc.*

Dear Mr. Timmons:

Conductive Technologies, Inc. is in receipt of your letter of September 1<sup>st</sup> regarding LifeScan and Johnson & Johnson's request for samples of the Shasta Genstrip for patent infringement analysis.

Please be advised that we did receive a carbon copy of your letter to InstaCare Corporation. Since the letter was not directed to Conductive Technologies, Inc., we did not see any necessity of responding.

Regarding your request contained in your September 1<sup>st</sup> letter, please be advised that we are not at liberty to provide samples or information relating to any of our customers unless they expressly permit us to do so.

Very truly yours,



Lynne M. Durbin  
General Counsel and Secretary

LMD/mcs  
cc: Mr. Matthew Musho

# **Exhibit C**

*Johnson & Johnson*

OFFICE OF  
GENERAL COUNSEL  
Direct Dial: 732-524-3746  
mtimmons@its.jnj.com

ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, N.J. 08933-7002

September 13, 2011

VIA FEDERAL EXPRESS

Michael J. Belcher  
35 North Lake Avenue  
Suite 670  
Pasadena, California 91101-1890

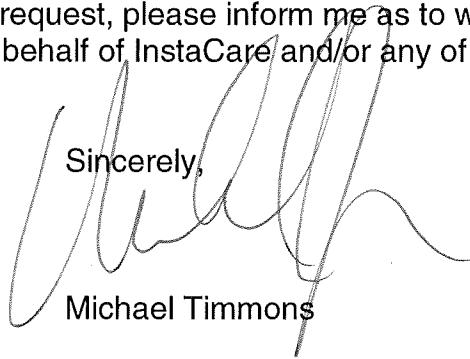
RE: InstaCare Corp.

Dear Mr. Belcher:

Per our prior correspondence, I am attaching a complaint filed on September 9, 2011. We have not served the complaint on any of the named defendants. We would be willing to hold off on service for a reasonable time to allow the parties to discuss the issues raised in the complaint, if InstaCare will agree to produce the requested samples and manufacturing information by September 20, 2011.

If InstaCare continues to refuse our request, please inform me as to whether your firm will accept service of the complaint on behalf of InstaCare and/or any of the other defendants.

Sincerely,

  
Michael Timmons

maf

Attachment

cc: Lynne M. Durbin  
General Counsel and Secretary  
Conductive Technologies, Inc.  
935 Borom Road  
York, Pennsylvania 17404

Michael J. Belcher  
September 13, 2011

Page 2

Calvin Knickerbocker, III  
Shasta Technologies, LLC  
1500 NW Bethany Blvd, Suite 200  
Beaverton, Oregon 97006

Calvin Knickerbocker, II  
Shasta Technologies, LLC  
3257 Highway 128  
Calistoga, California 94515

# **Exhibit D**

*Johnson+Johnson*

OFFICE OF  
GENERAL COUNSEL  
Direct Dial: 732-524-3746  
mtimmons@its.jnj.com

ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, N.J. 08933-7002

September 13, 2011

VIA FEDERAL EXPRESS

Lynne M. Durbin  
General Counsel and Secretary  
Conductive Technologies, Inc.  
935 Borom Road  
York, Pennsylvania 17404

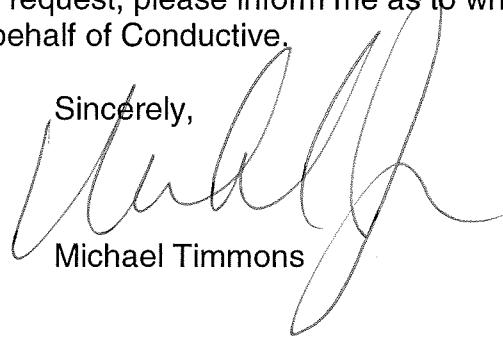
RE: Request for Samples of Shasta Genstrip for Patent Infringement Analysis

Dear Ms. Durbin:

Per our prior correspondence, I am attaching a complaint filed on September 9, 2011. We have not served the complaint on any of the named defendants. We would be willing to hold off on service for a reasonable time to allow the parties to discuss the issues raised in the complaint, if Conductive will agree to produce the requested samples and manufacturing information by September 20, 2011.

If Conductive continues to refuse our request, please inform me as to whether you will accept service of the complaint on behalf of Conductive.

Sincerely,

  
Michael Timmons

maf

Attachment

cc: Calvin Knickerbocker, III  
Shasta Technologies, LLC  
1500 NW Bethany Blvd, Suite 200  
Beaverton, Oregon 97006

Lynne M. Durbin  
September 13, 2011

Page 2

Calvin Knickerbocker, II  
Shasta Technologies, LLC  
3257 Highway 128  
Calistoga, California 94515

Michael J. Belcher  
35 North Lake Avenue  
Suite 670  
Pasadena, California 91101-1890

# **Exhibit E**

*Johnson & Johnson*

OFFICE OF  
GENERAL COUNSEL  
Direct Dial: 732-524-3746  
mtimmons@its.jnj.com

ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, N.J. 08933-7002

September 13, 2011

VIA FEDERAL EXPRESS

Calvin Knickerbocker, II  
Shasta Technologies, LLC  
3257 Highway 128  
Calistoga, California 94515

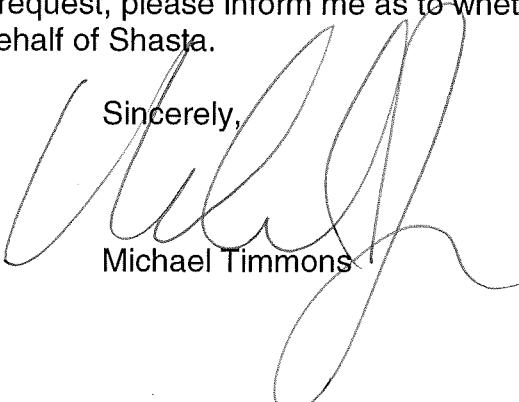
RE: Request for Samples of Shasta Genstrip for Patent Infringement Analysis

Dear Sir:

Per our prior correspondence, I am attaching a complaint filed on September 9, 2011. We have not served the complaint on any of the named defendants. We would be willing to hold off on service for a reasonable time to allow the parties to discuss the issues raised in the complaint, if Shasta will agree to produce the requested samples and manufacturing information by September 20, 2011.

If Shasta continues to refuse our request, please inform me as to whether you will accept service of the complaint on behalf of Shasta.

Sincerely,

  
Michael Timmons

maf

Attachment

cc: Calvin Knickerbocker, III  
Shasta Technologies, LLC  
1500 NW Bethany Blvd, Suite 200  
Beaverton, Oregon 97006

Calvin Knickerbocker, II  
September 13, 2011

Page 2

Michael J. Belcher  
35 North Lake Avenue  
Suite 670  
Pasadena, California 91101-1890

Lynne M. Durbin  
Conductive Technologies, Inc.  
935 Borom Road  
York, Pennsylvania 17404